



California Fair Political Practices Commission

December 27, 1989

Robert E. Leidigh
Olson, Connelly, Hagel and Fong
300 Capitol Mall, Suite 350
Sacramento, CA 95814

Re: Your Request for Advice
Our File No. G-89-476

Dear Mr. Leidigh:

On August 14, 1989, you requested advice concerning the provisions of Proposition 68 that were validated by the State Court of Appeal in Taxpayers to Limit Campaign Spending v. Fair Political Practices Commission (89 Daily Journal D.A.R. 9863) with respect to the existing provisions of the Political Reform Act (the "Act").^{1/} At that time we informed you that due to the Commission's determination to appeal the Appellate Court decision to the California Supreme Court, we were unable to advise you while the Commission's petition for review was pending with the Supreme Court. (Regulation 18329(b)(8)(F), copy enclosed.)

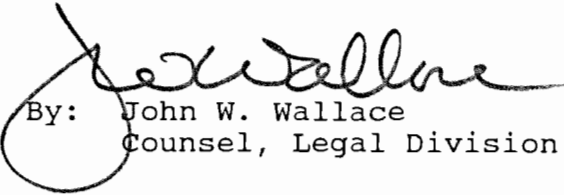
On December 7 the Commission was informed that the Supreme Court had accepted the Commission's petition for review. Since this action by the Supreme Court vacates the Appellate Court ruling, the Commission will continue to enforce only those provisions of Proposition 68 found valid in the Commission 1988 opinion In re Bell. (11 FPPC Ops. 1, copy enclosed.) In light of these new developments, your questions relative to the Appellate Court decision are now moot.

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

If you have any further questions regarding this matter,
please feel free to contact me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan
General Counsel



By: John W. Wallace
Counsel, Legal Division

KED:JWW:plh

Enclosures

M E M O R A N D U M

To: Advice Files

Date: September 14, 1989

From: FPPC, John W. Wallace

Subject: Advice Letters No. A-89-497 and No. A-89-476

On the morning of September 14, 1989, Toni Roberts of Roberts and Associates and Robert E. Leidigh of Olson, Connelly, Hagel and Fong were contacted by telephone with respect to their advice requests dealing with the implementation of Proposition 68. Both were informed that the Commission will not be providing advice on the contribution limitation provisions of Proposition 68 until the petition for review in Taxpayers to Limit Campaign Spending v. Fair Political Practices Commission (89 Daily Journal D.A.R. 9863) has been ruled on by the California Supreme Court. (Regulation 18329(b)(8)(F).) In addition, the requestors were informed that we would hold their letters and respond when appropriate.



California Fair Political Practices Commission

August 21, 1989

Robert E. Leidigh
Olson, Connelly, Hagel & Fong
300 Capitol Mall, Suite 350
Sacramento, CA 95814

Re: Letter No. 89-476

Dear Mr. Leidigh:

Your letter requesting advice under the Political Reform Act was received on August 15, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Scott Hallabrin an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

A handwritten signature in cursive script that reads "Kathryn E. Donovan".

Kathryn E. Donovan
General Counsel

KED:plh



California Fair Political Practices Commission

August 21, 1989

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Olson, Connelly, Hagel & Fong
300 Capitol Mall, Suite 350
Sacramento, CA 95814

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Very truly yours,

Kathryn E. Donovan

Kathryn E. Donovan
General Counsel

KED:plh

Law Offices of
OLSON, CONNELLY, HAGEL & FONG

August 14, 1989

Kathryn E. Donovan
General Counsel
FAIR POLITICAL PRACTICES COMMISSION
428 J" Street, Suite 800
Sacramento, California 95814

**RE: REQUEST FOR FORMAL WRITTEN ADVICE; OFF-YEAR
FUNDRAISING**

Dear Ms. Donovan:

I write on behalf of Roy Whiteaker, Sheriff of Sutter County. However, I write relative to his status as a former candidate for State Senate. Sheriff Whiteaker was unsuccessful in his bid for election to the State Senate last November.

As a result of his campaign for State Senate, Sheriff Whiteaker has a campaign debt. Sheriff Whiteaker has filed a Form 501/502 for fundraising to retire his 1988 campaign debt. Sheriff Whiteaker plans a fundraising event sometime this fall for this purpose.

However, the Court of Appeal ruling in Taxpayers to Limit Campaign Spending v. FPPC has now raised a new question with regard to Sheriff Whiteaker's fundraising plans. Since the office which he sought was a legislative office, will he be subject to the "off-year" fundraising prohibition if and when it becomes operative? Given that his name may not ever appear on the ballot again for state legislative office, can he ever raise money to pay off his campaign debts?

Proposition 68 does not seem to specifically make provision for this circumstance. It would appear to assume that candidates (whether successful or unsuccessful) would raise funds to pay off their campaign debts between election day and the end of that calendar year.

Obviously, Sheriff Whiteaker was not on notice of the need to retire his debt during the relevant time period. Consequently, he is still in the process of raising funds to pay off his debt. Please advise at

LANCE H. OLSON
BRUCE J. HAGEL
LEROY Y. FONG
ROBERT E. LEIDIGH

OF COUNSEL
LLOYD G. CONNELLY, Member
California State Legislature

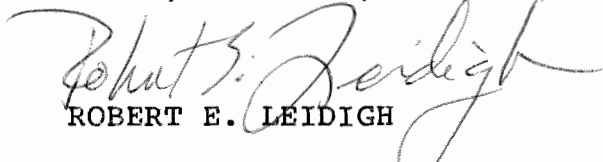
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FPPC

Kathryn Donovan
August 14, 1989
Page 2

your earliest convenience so that the sheriff may
finalize his fundraising plans.

Very truly yours,

OLSON, CONNELLY, HAGEL & FONG

A handwritten signature in cursive script, appearing to read "Robert E. Leidigh".

ROBERT E. LEIDIGH

cc: Sheriff Roy Whiteaker